IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8486 OF 2005

Pyarelal Bhirigunath Singh & Anr.. Petitioners

Vs.

Sheshmani Ramnugrah Pandey & Ors...Respondents

Mr.R.D.Suryawashi for the petitioners

Mr.P.R.Gyani for the respondents

CORAM : S.U.KAMDAR, J
DATED : 14TH DECEMBER, 2005

P.C.:

. The present petition challenges the order dt.23.11.05 by the IInd Joint Civil Judge, Junior Division, Kalyan granting amendment. The ground of challenge raised by the petitioners is that the petitioners claim is barred by the law of limitation. It is clarified that the issue of limitation will be determined at the hearing of the suit and grant of amendment will not prejudice the contention of the petitioners that the claim is barred by the law of limitation. In so far as the contention is raised that the court has no jurisdiction to entertain the claim is concerned, the said issue is also kept open and to be

determined on its own merits. I am of the opinion that the aforesaid issues are on merits and does not pertain to amendment of application. In that view of the matter, with the aforesaid clarification, petition is disposed of accordingly. No order as to costs.